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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/049,372	08/15/2002	Gilles Pitiot	065691-0270	1002
22428	7590 11/24/2004	•	EXAMINER	
FOLEY AND LARDNER SUITE 500			ULM, JOHN D	
3000 K STRE	ET NW		ART UNIT	PAPER NUMBER
WASHINGTO	ON, DC 20007		1646	
W			DATE MAILED: 11/24/200	4

Please find below and/or attached an Office communication concerning this application or proceeding.

1) ☐ Responsive to communication(s) filed on 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1-51 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) 10-22,24-45 and 47-51 is/are objected to. 8) ☐ Claim(s) 1-9,23 and 46 are subject to restriction and/or election requirement.		Application No.	Applicant(s)	· · · · ·
John D. Ulm	Office Action Comme	10/049,372	PITIOT ET AL.	
The MALING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Estatesies for time may be available under the provisions of 3 C.Ft. 1.136(a). In no event, however, may a reply be timely filed Estatesies for time may be available under the provisions of 3 C.Ft. 1.136(a). In no event, however, may a reply be timely filed If the period for reply specified above is less but hely (50) days, a reply within the statutory minimum of thisty, 103) days with be considered treply. If the period for reply specified above is less than then (50) days, a reply within the statutory minimum of thisty, 103) days with the consideration of the communication of the commun	Office Action Summary	Examiner	Art Unit	
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	Paper No(s)/Mail Date			2

Application/Control Number: 10/049,372

Art Unit: 1646

DETAILED ACTION

Claims 1 to 51 are pending in the instant application.

Claim Objections

Claims 10 to 22, 24 to 45 and 47 to 51 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend from another multiple dependant claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Groups I to VI, claims 1 to 9 and 11, only in so far as they are drawn to an isolated polypeptide comprising one of the six different amino acid sequences recited therein, an isolated nucleic acid encoding that sequence, and a method of use. Group I, for example, only relates to SEQ ID NO:2, whereas Group VI only relates to SEQ ID NO:14.

Group VII, claim 23, drawn to a diagnostic method employing a hOBPII polypeptide.

Group VIII, claim 46, drawn to a method of treatment by administering a hOBPII polypeptide comprising SEQ ID NO:10.

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The inventions listed as Groups I to VIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The instant specification discloses that the amino acid sequences presented in SEQ ID NO: 2, 4, 6, 8, 10, 12 and 14 correspond to seven different human odorant binding proteins. The specification concedes that SEQ ID NO:10 was known in the prior art. Therefore, the fact that all of the amino acid sequences recited in the claims correspond to naturally occurring human odorant binding proteins can not serve as a unifying special technical feature because at least one human odorant binding protein was known in the prior art.

This application contains claim 23, which encompasses more than one disclosed species of human odorant binding protein. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1 for those reasons given above.

Applicant is required, in reply to this action, to elect a single species human odorant binding protein from the group consisting of SEQ ID NO: 2, 4, 6, 8, 10, 12 and 14 to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Ulm whose telephone number is (571) 272-0880. The examiner can normally be reached on 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on (571) 272-0961. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOHN ULM PRIMARY EXAMINER GROUP 1800